

REMARKS

All of claims of this application stand rejected under 35 USC §102(e) over Shaw et al., U.S. Patent No. 6,356,945.

However, the Examiner is reminded that anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure "that 'almost' meets that standard does not 'anticipate'." Connell v. Sears, Roebuck Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

By this amendment, some of the limitations of claim 14 have been moved into the independent claims, and claim 14 has been canceled. In particular, the independent claims now including the limitation of input or output frame rates being 24 frames-per-second, or any integer multiple or fraction thereof. Apart from other distinctions between the instant invention and the prior art, Shaw et al. fails to teach or even suggest such a capability; as such, anticipation has not been established.

Shaw et al. resides in an architecture allowing a variety of multi-media devices (VCRs, PCs, TVs, Telephones, *etc.*) to communicate with a network. Provisions are included for processing signals utilizing various data rates (bandwidths), namely, 9.6 Kbps, 16 Kbps, 19.2 Kbps, 56 Kbps, 64 Kbps, 128 Kbps, 384 Kbps, and 1.544 Mbps. This, in turn, requires a comparable range of data compression ratios.

The Shaw system also accepts signals in a variety of formats: Graphics standards (RGB, VGA, *etc.*), Text/Data standards (FAX, ASCII), Audio Standards (CD Audio, Voice-grade audio, *etc.*), and Video standards (NTSC, PAL, SECAM, H.261, MPEG, *etc.*) "The capture processor 230 can decode various types of analog video input formats and convert them (*e.g.*, NTSC 464, PAL 466, SCAM [sic -- SECAM?] 468, or SVHS 469) to CCIR 601 470 YUV 471 4:2:2 472." (See Col. 8, Lines 1-4.)

With respect to the rejection of claim 14, an aspect of which has been included in Applicants' independent claims, the Examiner states that the Shaw reference discloses "...wherein the input and output frame rates are 24, 25, or 30 frames-per-second or any integer multiple or integer fraction thereof

(Col. 6, Lines 23-27)." This is not the case and, hence, the Examiner has misrepresented this reference. In reality, the relevant passage states: "Host processor 218 also has programmable frame updating rate capability 326. Frame updating rate 326 provides host processor 218 with 5 options. They can be either 30 frame per second (fps); 15 fps; 10 fps; 7.5 fps; or 1 fps."

A frame rate of 24 fps is not listed and, in fact, this frame rate is expressly excluded by the definitive listing of the 5 specific rates indicated. Furthermore, not only are there NO frame rates indicated that are integer multiples of ANY of the frame rates cited by the Examiner; but in addition, the *only* rates listed are simple fractions of one frame rate: 30 fps [1/2 → 15 fps; 1/3 → 10 fps; 1/4 → 7.5 fps; 1/30 → 1 fps]. This handful of fractions hardly merits the broad generalization to "... 24, 25, or 30 frames-per-second or any ... integer fraction thereof".

In a broad sense, the Shaw device acts as an interface unit, essentially equivalent to the broadband digital cable interface that provides access for cable channels, high-speed data, and telephone service. All of the standards and formats described are compatible with the CCIR 601 [now "ITU-R BT.601-2"] Standard. Although this standard includes 25 fps and 30 fps, it does not include 24 fps. In addition, this is fundamentally an Analog format, specifying either 525 or 625 vertical scan lines --- in effect, it is based on existing broadcast formats in the USA and Europe. Nor is there any teaching or suggestion in Shaw of implementing HDTV or wide-screen formats.

Based upon the foregoing amendments and comments, Applicants believe all pending claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

By:

John G. Posa

Reg. No. 37,424

Gifford, Krass, Groh, Sprinkle,

Anderson & Citkowski, PC

280 N. Old Woodward Ave., Ste 400

Birmingham, MI 48009

(734) 913-9300 FAX (734) 913-6007

Email: jposa@patlaw.com